

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES TOMPSON RIGGS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00704-JDP

FINDINGS AND RECOMMENDATIONS TO
DISMISS THIS CASE AS DUPLICATIVE
AND FOR FAILURE TO PROSECUTE

OBJECTIONS DUE IN THIRTY DAYS

ORDER TO ASSIGN THIS CASE TO A
DISTRICT JUDGE

Claimant Jane Thompson Riggs is a proceeding without counsel in this social security appeal. Plaintiff filed a complaint on May 20, 2020, but did not pay the filing fee or apply to proceed *in forma pauperis*. On May 22, 2020, the court ordered her to do so within 45 days, and noted that a failure to do so would result in dismissal of this case. ECF No. 2. The court has received no further filings from claimant in the case. On July 7, however, claimant filed a new complaint—along with a now-granted application to proceed *in forma pauperis*—that now reside at case number 1:20-cv-00940-JDP. That case appears identical to this one, and the court believes that claimant may have inadvertently opened two separate cases for the same complaint. We therefore recommend that this case be dismissed as duplicative and for failure to prosecute. Case number 1:20-cv-00940-JDP will continue.

This recommendation will be submitted to a U.S. district judge presiding over the case under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within 30 days of the service of the

1 findings and recommendations, claimant may file written objections with the court. That
2 document must be captioned "Objections to Magistrate Judge's Findings and
3 Recommendations." The presiding district judge will then review the findings and
4 recommendations under 28 U.S.C. § 636(b)(1)(C).

5 **ORDER**

6 The clerk's official shall assign this case to a district judge to review the above
7 recommendation.

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9 IT IS SO ORDERED.

10 Dated: September 4, 2020

11 
12 UNITED STATES MAGISTRATE JUDGE

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